

September 20, 2004

Jeremy Sternberg  
Assistant United States Attorney  
District of Massachusetts  
1 Courthouse Way  
Boston, MA 02210

RE: David G. Stern v. David L. Winn  
Civil No. 04-10465-NG

Dear Mr. Sternberg,

I am in receipt of the Order of Judge Gertner in the above captioned matter. I too trust that Warden Winn will act in good faith. Toward that end I suggest that there is only one issue remaining regarding the Court's direction that the BOP "fairly and impartially consider whether [I] qualif[y] for transfer into a community confinement facility." Simply said, it's only a matter of 'when'. Since I have already been approved for "CCC" placement at the Barnstable House of Correction currently scheduled for January 7, 2005, it is clear that the BOP has already qualified me "for transfer into a community confinement facility", as instructed by the Court. In addition and as additional evidence of my qualification, I wish to point out that I was furloughed to my home for a visit two weeks ago, certainly implying my qualification to be released into the community. Further, in my positon as a town driver, I have traveled to Boston and Worcester on several occasions this month alone.

Because "there is no legal bar preventing the BOP from doing so", I assert all that remains is to secure a date for transfer "as soon as possible", which I believe can be accomplished in very short order.

I look forward to the cooperation of your office in fulfilling both the terms and spirit of the Court's Order. If for any reason you wish to reach me by phone you may do so through the office of my unit manager, Nancy Patterson.

Yours very truly,

David G. Stern  
23799-038  
Federal Medical Center-Devens  
P.O. Box 879  
Ayer, MA 01432

cc: Honorable Nancy Gertner, USDJ  
bcc: Clerk-United States District Court